

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1151 be amended to read as follows:

- 1 Page 7, line 41, delete "which" and insert "**that**".
- 2 Page 10, line 5, reset in roman "If a voter satisfies any of the".
- 3 Page 10, line 6, delete "The" and insert "**qualifications described in**
- 4 **IC 3-11-10-24 that entitle a voter to cast an absentee ballot by**
- 5 **mail, the**".
- 6 Page 11, line 14, strike "must" and insert "**shall**".
- 7 Page 14, between lines 14 and 15, begin a new paragraph and insert:
- 8 "SECTION 15. IC 3-11-10-2 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** A voter voting
- 10 by absentee ballot may mark a ballot with a pen or a lead pencil.
- 11 **(b) A person may not engage in electioneering (as defined in**
- 12 **IC 3-14-3-16) in the presence of a voter if the person knows that**
- 13 **the voter possesses an absentee ballot provided to the voter in**
- 14 **accordance with Indiana law.**".
- 15 Page 14, line 18, after "mail" delete "." and insert ":".
- 16 Page 18, between lines 34 and 35, begin a new paragraph and insert:
- 17 "SECTION 23. IC 3-12-6-21.9, AS AMENDED BY P.L.176-1999,
- 18 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 UPON PASSAGE]: Sec. 21.9. **(a) Except as provided in subsection**
- 20 **(c), a recount for nomination to an office conducted under this chapter**
- 21 **shall be completed not later than the final Friday in June following the**
- 22 **primary.**
- 23 **(b) Except as provided in subsection (c), a recount for election to**
- 24 **an office conducted under this chapter shall be completed not later than**
- 25 **December 20 following the election.**
- 26 **(c) The court that appointed the commission may issue an order**
- 27 **to extend the deadline under this section to a specific date if the**
- 28 **court finds that there is good cause to do so.**

1 SECTION 24. IC 3-12-11-17.7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.7. (a) **This**
 3 **section applies to ballots cast by any voting method.**

4 (b) Unless the state recount commission makes a finding under
 5 subsection ~~(b)~~, (c), the commission shall:

- 6 (1) count ballots in accordance with this article; and
- 7 (2) not order that all ballots in a precinct not be counted.

8 ~~(b)~~ (c) If:

- 9 (1) a party to the recount presents evidence of fraud, tampering,
 10 or misconduct affecting the integrity of the ballot within a
 11 precinct; and
- 12 (2) the commission determines that the fraud, tampering, or
 13 misconduct within that precinct was so pervasive that it is
 14 impossible for the commission to determine the approximate
 15 number of votes that each candidate received in that precinct;

16 the commission may order that none of the ballots from that precinct
 17 be counted.

18 SECTION 25. IC 3-12-11-21 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) **Except as**
 20 **provided in subsection (b), a recount or contest** for election to a
 21 legislative office shall be completed **by the state recount commission**
 22 before December 20 after the election.

23 (b) **The state recount commission may adopt orders extending**
 24 **the deadline for completion of a recount or contest to a date**
 25 **specified in the order if the commission finds that there is good**
 26 **cause to do so.**

27 ~~(b) Before December 20~~ (c) **Not later than seven (7) days after the**
 28 **election, state recount commission completes a recount,** the election
 29 division shall prepare two (2) certified statements showing the total
 30 number of votes that each candidate received. The election division shall
 31 transmit one (1) statement to the candidate receiving the highest number
 32 of votes for the office. ~~Before December 20 after the election,~~ **After**
 33 **the statements have been prepared,** the secretary of state shall
 34 deliver the other statement to the presiding officer of the house in which
 35 the successful candidate is to be seated.

36 ~~(c)~~ (d) The statement shall be referred by the presiding officer for
 37 such action as that house considers appropriate.

38 SECTION 26. IC 3-14-1-2.5 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
 40 PASSAGE]: Sec. 2.5. (a) **This section does not apply to an**
 41 **individual subject to 2 U.S.C. 441h.**

42 (b) **An individual who:**

43 (1) **is:**

44 (A) **a candidate; or**

45 (B) **an employee or agent of a candidate; and**

(2) knowingly misrepresents the individual or an organization under the control of the individual as speaking, writing, or otherwise acting for or on behalf of:

(A) another candidate;

(B) an employee or agent of another candidate;

(C) a political party other than the political party of:

(i) the individual; or

(ii) the candidate for whom the individual is an employee or agent; or

(D) an employee or agent of a political party other than the political party of:

(i) the individual; or

(ii) the candidate for whom the individual is an employee or agent;

on a matter that is damaging to the other candidate, the employee or agent of the other candidate, the other political party, or the employee or agent of the other political party; commits a Class A misdemeanor."

Page 21, line 23, delete "," and insert "on or before the date of the election for which the absentee ballot has been printed,".

Page 21, line 26, delete "." and insert "or the election division, when arranging for the delivery of unmarked absentee ballots to a county election board under IC 3-11-2.".

Page 24, after line 42, begin a new paragraph and insert:

"SECTION 44. IC 3-14-3-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.5. (a) This section does not apply to activity subject to 18 U.S.C. 1341.**

(b) An individual who knowingly:

(1) conspires to obtain property the individual would be entitled to receive as compensation for serving as an elected official by securing false or fraudulent absentee ballot applications or voter registration applications; and

(2) for the purpose of executing the conspiracy:

(A) causes the applications to be sent or delivered by any private or commercial carrier operating entirely within Indiana; or

(B) takes or receives from the private or commercial carrier the false or fraudulent applications or causes the applications to be delivered by the carrier to another person;

commits a Class D felony."

Page 25, line 5, delete "or", begin a new line block indented and

- 1 insert:
- 2 **"(2) urging or aiding another individual to vote or attempt to**
- 3 **vote; or".**
- 4 Page 25, line 6, delete "(2)" and insert "(3)".
- 5 Renumber all SECTIONS consecutively.
(Reference is to EHB 1151 as printed February 18, 2004.)

Senator LAWSON C